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2 BILL NO. Z-95-07-05
3

ZONING MAP ORDINANCE NO. Z-07-95

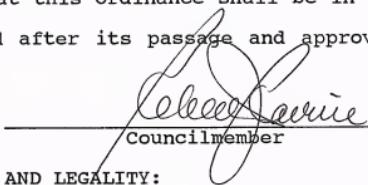
4 AN ORDINANCE amending the City of
5 Fort Wayne Zoning Map No. N-26.

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
7 WAYNE, INDIANA:

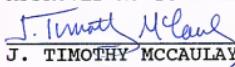
8 SECTION 1. That the area described as follows is hereby
9 designated an R-3 (Multi-Family) District under the terms of
10 Chapter 157 Title XV of the Code of the City of Fort Wayne,
11 Indiana of 1974:

12 Lots Numbered 67, 68, 69 and 120 in Highland Park Forest
13 Addition,
14 and the symbols of the City of Fort Wayne Zoning Map No. N-26,
15 as established by Section 157.016 of Title XV of the Code of
16 the City of Fort Wayne, Indiana are hereby changed
17 accordingly.

18 SECTION 2. That this Ordinance shall be in full force
19 and effect from and after its passage and approval by the
20 Mayor.

21 
22 Councilmember

23 APPROVED AS TO FORM AND LEGALITY:

24 
25 J. TIMOTHY McCAULAY, CITY ATTORNEY

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Read the first time in full and on motion by Parsons,
and duly adopted, read the second time by title and referred to the
(Committee on Development) (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on 19, the 19 day of September, at 10:00 o'clock
M., E.S.T.

DATED: 7-11-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Parsons,
and duly adopted, placed on its passage. PASSED LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>2</u>
BRADBURY	<u>✓</u>			
EDMONDS				<u>✓</u>
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 8-22-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-0795
on the 22nd day of August, 1995

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Don J. Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 23rd day of August, 1995,
at the hour of 10:00 o'clock M., E.S.T.

Approved and signed by me this 24th day of August,
1995, at the hour of 8:15 o'clock A.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

BILL NO. Z-95-07-05

REPORT OF THE COMMITTEE ON
REGULATIONS
CLETUS R. EDMONDS - REBECCA J. RAVINE - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) amending the City of
Fort Wayne Zoning Map No. N-26

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION)

DO PASS DO NOT PASS ABSTAIN NO REC

~~Le Good~~ ~~Wahoo~~ ~~Mark Hugget~~
~~David Long~~
~~OSU~~
Clinton R. Edmonds
Samuel J. Talarico

DATED:

Sandra E. Kennedy
City Clerk

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN.

10-12

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ON ACCOUNT OF

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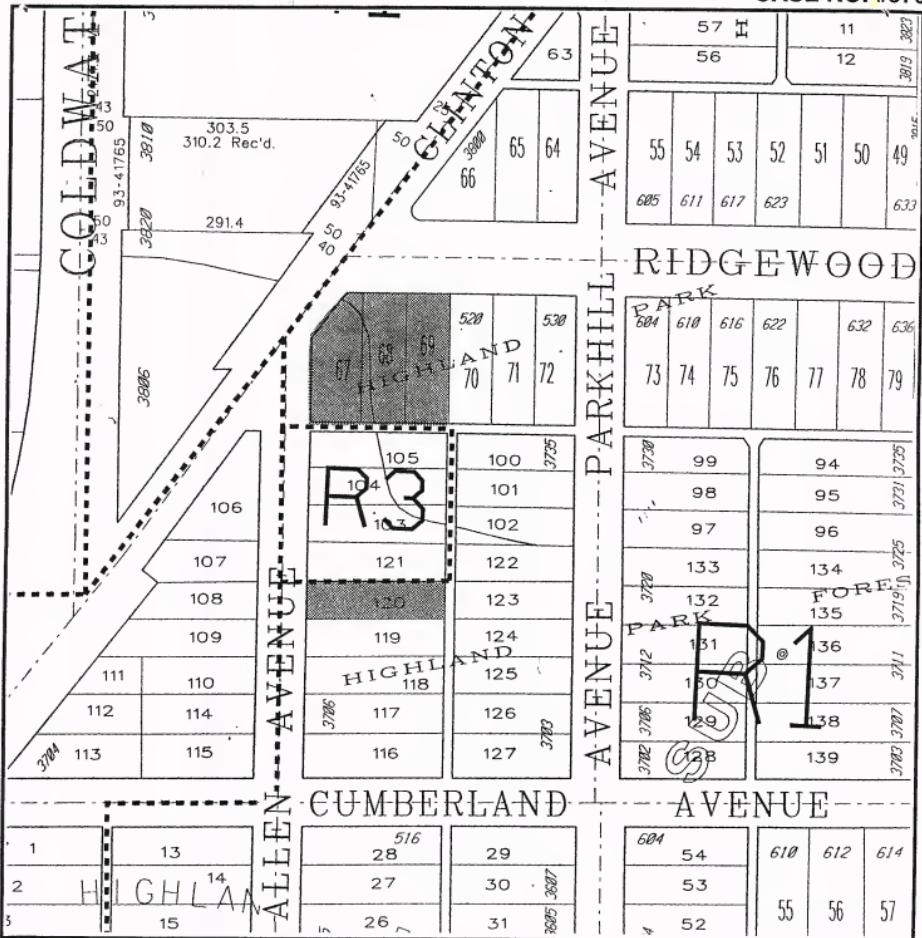
5134

PAID BY: CASH CHECK M.O.

REZONING PETITION

AREA MAP

CASE NO. #570



COUNCILMANIC DISTRICT NO. 3

Map No. N-26
JW 10-22-94

R1	One-Family	B1	Limited Business
R2	Two-Family	B2	Planned Shopping Center
R3	Multi-Family	B3	General Business
RA/RB	Residential	B4	Roadside Business
PUD	Planned Unit Dev.	POD	Professional Office District

M1 Light Industrial
M2 General Industrial
M3 Heavy Industrial
MHP Mobile Home Park



Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm 830 / Fort Wayne, IN 46802 / (219) 427-1140

XbP
I/We BRUCE W. WILDS do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from a/an R-1 designation to a/an R-3 designation, the property located at the common street address of: Allen Avenue and North Clinton Street and further described as follows:

Lots number 67, 68, 69, and 120 in Highland Park Forest Addition

(Please attach a legal description if more space is needed.)

The purpose of this proposed rezoning is to permit the use of the property for the following:

To permit construction of three office buildings if approved by the by the B2A after a public hearing. The offices would be used for insurance, real estate, accountants, tax preparation, security brokerage, computer services, financial services and similar business uses.

Property owners Name(s): BRUCE W. WILDS

Street Address: 3720 NORTH CLINTON STREET

City: FORT WAYNE State: IN Zip: 46805 Phone: (219) 484-2567

Applicants Name (if different from above): _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/we agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

BRUCE W. WILDS

Signature

BRUCE W. WILDS

Printed Name

OCTOBER

Date

, 1994

Signature

Printed Name

Date

Signature

Printed Name

Date

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests for deferrals, continuances, withholdings, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: City of Fort Wayne.

Name and address of preparer, attorney or agent.

ROBERT W. HALLER, ESQ.

HALLER & COLVIN

444 EAST MAIN STREET

FORT WAYNE, INDIANA 46802

(219) 426-0444

Telephone Number

Form Rez494

Receipt #: _____

Date Filed: _____

Map #: _____

Reference #: _____

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 11, 1995 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-95-07-05; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 17, 1995.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 24, 1995.

Certified and signed this
3rd day of August 1995.



Carol Kettler Sharp
Secretary

- a. Bill No. Z-95-07-05 - Change of Zone #570
From R-1 to R-3
3720 N Clinton Street

Bob Haller, attorney for petitioners appeared before the Commission. Mr. Haller stated that the petitioner, Bruce Wilds, owns the requested to be rezoned, as well as lots 103, 104 & 105. Mr. Haller stated that Lots 103, 104 & 105 are already zoned R-3. The purpose of the rezoning petition is to allow construction of three office buildings. He presented the Commission with a rendering of what the proposed office buildings would look like. (See File for Rendering) Mr. Haller stated that the rendering is not "set in concrete" but is what they envision to build on the property. Mr. Haller stated that they are one story buildings and designed to be compatible with the residential uses directly to the east. He stated that Highland Park Forest Addition as been for the most part built as single family residential uses, with the exception of the property fronting along Clinton Street. He stated that the petitioner believes that the highest and best use for the lots under consideration, as well as the three lots that are already zoned R-3, is for office uses. He stated that he felt it was doubtful that these particular lots would be developed as single family residences. He stated that any residences built on these lots would have to look at a commercial use. He stated that they believe that the proposed office use, in the form that was submitted to the Commission, would stabilize the neighborhood, would stabilize the values of the homes to the east and once the offices were built, would remove the possibility of future requests for commercial use for these lots in connection with the lots along Clinton Street. Mr. Haller stated that when the petition was originally filed the layout of the offices did not contemplate vacating any right-of-way. It was after discussions with the staff that the possibility of vacating a portion of Allen Avenue, as well as the alleys, came up. He stated that they prepared a new layout for the vacations. He stated that since they are uncertain that the vacations will be approved, it is a separate issue, and a separate petition, they suggest that the Commission make a do pass recommendation for the rezoning request. He stated that the rezoning request should have the conditions, that are addressed in the staff report as part of that approval. He stated that they address the issues of street planning, parking locations and access locations be worked out with the staff. He stated that they are willing to work with the staff on those issues. He stated that they also are obliged to go to the Board of Zoning Appeals, to request a Special Use Exception (for offices in an R-3 District). He stated that the concerns about parking and screening and access could be addressed by the BZA.

Mel Smith questioned what was the proposed total square footage of the proposed offices.

Paul Nightingale, engineer, for the petitioner, stated that for all three buildings would be 14,976 square feet.

Jim Hoch questioned what the total number of parking spaces that would be provided.

Mr. Nightingale stated that it exceeds the minimum, they have 49 parking spaces.

Linda Buskirk questioned if they would still go forward with the development, even if the right-of-way vacations were not approved.

Mr. Haller stated that they would. The original plans did not call for vacating of any right-of-way.

Darwin Highlen, owner of Dar's Outlet, which is adjacent to the property in question, appeared before the Commission. Mr. Highlen stated he owns Lots 115, 114, 110, 109, 108 fronting on

Clinton Street. He stated that he also owned Lots 118 & 119 and is in the process of purchasing Lot 117 on the back side of Allen Avenue. Mr. Highlen stated the Lots 103, 104 & 105 is a drainage ditch. He stated that he was litigation, approximately 3 years, over the property because it is a drainage ditch. He stated that he won his lawsuit at that time. He stated that the ditch was covered and filled in over the last 20 years by the previous owner, who tried to make it sellable property.

In rebuttal, Mr. Haller stated you can turn left onto Cumberland Avenue. He stated that with Mr. Hoeppner's business there are other entrances available to access the property. He stated with regard to Mr. Highlen's comments, he stated that semi-trailers do not need to use Allen Avenue for ingress and egress. He stated that they can access from Cumberland Avenue. He stated that they the comment that Mr. Highlen made that the trailers unload and leave was questionable. He stated that there are about a ½ dozen trailers on Mr. Highlen's property that have never left. He stated that the least Mr. Highlen could do was come into the meeting with "clean hands". He stated that Mr. Highlen's is using an R-1 district for part of his parking lot. Mr. Haller stated that if they are granted the vacation the cul-de-sac they intend to put in will meet the city code. It will be paved and people will not attempt to turn around on Mr. Highlen's lot, which is not paved, but gravel. He submitted two letters of support from neighbors in the area. One from a Paul Anderson, 610 Cumberland Avenue and one from the Highland Park Community Association Board.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

FACT SHEET

Z-95-07-05

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Map Amendment

APPROVAL DEADLINE**REASON**

From R-1 to R-3

DETAILS**Specific Location and/or Address**

3720 N Clinton St

Reason for Project

Construction of office building pending
Board of Zoning Appeals approvals.

Discussion (Including relationship to other Council actions)17 July 1995 - Public Hearing

See Attached Minutes of Meeting

24 July 1995 - Business Meeting

Motion was made and seconded to return
the ordinance to the Common Council with
a DO PASS recommendation.

Of the eight (8) members present, seven (7)
voted in favor of the motion, the Chair did
not vote.

Members Present: Linda Buskirk, Ernest
Evans, James Hoch, Thomas Quirk, Dave Ross,
Carol Kettler Sharp, Mel Smith, Vicky
VerPlanck

Member Absent: Donald Schmidt

POSITIONS**RECOMMENDATIONS**

Sponsor	City Plan Commission	
Area Affected	City Wide	
	Other Areas	
Applicants/ Proponents	Applicant(s) Bruce Wilds City Department Other	
Opponents	Groups or Individuals Basis of Opposition	
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against	
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)	
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass	

DETAILS

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 12 October 1994

Projected Completion or Occupancy

Date 3 August 1995

Fact Sheet Prepared by

Date 3 August 1995

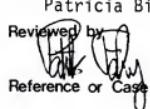
Patricia Biancaniello

Reviewed by

Date

8 August 1995

Reference or Case Number



#570

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 3720 No Clinton Street

2-95-07-05

EFFECT OF PASSAGE Property is currently zoned R-1 - Single Family Residential. Property will become R-3 - Multi-Family Residential.

EFFECT OF NON-PASSAGE Property will remain zoned R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____